



MINUTES
PLANNING COMMISSION MEETING
1300 NE Village Street
Fairview, OR 97024
Tuesday, May 22, 2012

PRESENT: Gary Stonewall, Chair
Keith Kudrna
Jack McGiffin
Jan Shearer
Ed Jones

ABSENT: Steve Kaufman, Vice-Chair
Julius Arceo

STAFF: Allan Berry, Public Works Director
Lindsey Nesbitt, Senior Planner
Erika Fitzgerald, Associate Planner
Devree Leymaster, Admin. Program Coordinator

1. CALL TO ORDER

Chair Stonewall called the meeting to order at 6:30pm.

2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

Chair Stonewall inquired if any person would like to speak on a non-agenda item, hearing none moved to review of minutes.

3. REVIEW AND ADOPT MINUTES

May 8, 2012 minutes approved as written by consensus.

4. WORK SESSION

a) Minor Sign Code Amendment: Electronic Message Centers (EMC)
Associate Planner Fitzgerald summarized the direction staff received from Planning Commission during the May 8 work session and policy options resulting from. Policy option #1 increased the maximum allowed area on sites with schools located on an arterial street: 18 square foot maximum for wall signs, 25% of total allowed sign area for freestanding signs, the EMC could be incorporated in either wall or freestanding but not both, and sign with EMC's greater than 8 square feet would be located a minimum of 150 feet from abutting residential uses. Policy option #2 was the same as policy option #1 one but included commercial and industrial zones.

After brief discussion the Commission directed staff to draft code language for policy option #2. Staff would prepare the draft language for public hearing at the June 12 meeting.

5. PUBLIC HEARING

File 9-32-ZC

**Natural Resource Code Amendments: Title 13
Ordinance 3-2012**

Chair Stonewall cited the legislative hearing statement. Commissioner Shearer stated she had spoken with Mr. Garth Everhart regarding the natural resource project. As there was no objection to ex parte contact, bias or conflict of interest the hearing began with Senior Planner Nesbitt presenting the staff report.

Senior Planner Nesbitt summarized the proposed code amendments:

- Fairview and Clear Creek - no changes proposed
- Fairview Lake - no changes proposed at this time; separate project

- Combine code sections - Significant Environmental Concern Overlay, and Wetlands and Riparian Buffer Overlays
- Natural resource overlay – renamed to Upland Habitat, some areas were removed or added during mapping process, development within mapped areas permitted subject to land use review and mitigation
- Riparian resources – areas with mapped 75 foot buffer were primarily park areas and owned by the city, limited development permitted i.e. park bench; permitted use development in mapped 50 foot buffer areas would be allowed subject to land use review and avoid, minimize, mitigate standards; and development within 15 feet of a mapped 35 foot buffer would be subject to the land use process and mitigation.
- Drainage District exceptions – normal maintenance and repair of existing facilities, enlargement not proposed, work would be consistent with local, state, and federal laws, would provide list for review at beginning of year and an annual report of completed projects.

During Commission discussion Vice Chair Kaufman recommended measuring the buffer from center line of creek vs. top of bank; Commissioner Jones commented it would be consistent with other regulations i.e. flood plan. Commission agreed measurement should be from center of creek.

Chair Stonewall inquired if any person would like to give testimony regarding the application.

Mr. Robert Dolphin, 4280 Fairview Lake Way, Fairview, Oregon, as representative of the Columbia Slough Watershed Council stated an objection to reducing the buffer from 50ft to 35ft and supported maintaining the 50ft buffer. Reducing the buffer along the creek would impact Fairview Lake and give existing property owners an incentive to let buffers degrade because they would then be reduced. Mr. Dawson also stated the Columbia Slough Watershed Council had just heard about the Natural Resource Project and questioned the public notice requirements.

Ms. Dawn Greenwell, 183 Crestwood Street, Fairview, Oregon, stated she did not support reducing the buffer to 35ft and referred to the Fairview Creek Watershed Action Plan completed in July 16, 2003. Ms. Greenwell commented she did not receive notification for the hearing and questioned why all citizens were not notified. She urged the Council to work with the Columbia Slough Watershed Council in protecting riparian resources.

Ms. Greenwell entered a letter into record from Katherine Muenchow, 182 Crestwood Street, Fairview, Oregon.

Mr. Bill Bus, 185 Crestwood Street, stated he had not received written notification for the hearing.

Commissioner Shearer in reference to the Columbia Watershed Council inquired if the draft code language was in compliance with their standards. Staff responded yes, they had worked with the Public Works Senior Engineer to ensure compliance with the city's NPDES permit. Commissioner Shearer asked who was sent written notification. Staff responded staff worked with the city attorney to ensure all public meeting law notice requirements were met i.e. posted on website, notified local media. Written notification, 40 days prior to the hearing, was sent to all property owners affected by the amendments and changes to their buffer.

Mr. Garth Everhart, 953 Clear Creek Way, Fairview, Oregon supported combining the two redundant code sections - makes it simpler and clearer for the user - and measuring buffers from center line of creek. Mr. Everhart requested the Commission consider 1) making map corrections a type 1 process to ease the burden on an applicant, 2) the impact of overlays on private property owners – diminished land value lead to reduced tax revenue, 3) explore creating a mitigation bank, and 4) extend grandfathering rights beyond the current 1-year allowance. He requested the Commission research and exercise their authority to exempt areas from the process i.e. development based on water needs or PUD's.

Mr. Lonnie Dicus, Senior Advisor, USS Ranger Foundation, 1560 S Beechum Drive, Oregon City, Oregon commented on the impact buffer regulations could have on how a site could be developed. For water front developments i.e. USS Ranger there must be flexibility in the code to promote successful development not hinder it.

Ms. Lynnia Woods, 20315 NE Sandy Blvd., Fairview, Oregon commented, as a property owner who owned approximately 65% frontage along Osburn Creek, property could be developed while still protecting and maintaining natural resources. She requested the Commission consider stronger and longer grandfathering protection and stated regulations should match recorded plat.

Mr. Henry Pelfry, 20905 NE Sandy Blvd, Fairview, Oregon spoke to increasing the time allowance and protection for grandfathering. Mr. Pelfry could attest to the frustration as a property owner when told an approval was grandfathered in to find it may have expired years later without being told it could expire at all.

Planning Commission comments during discussion included expanding the written notice area, using center of creek for measuring a buffer, requested staff research the ORS for grandfathering rights, and contact the city attorney regarding river/creek laws and property lands.

Planning Commission by consensus agreed to continue the public hearing to the June 12 meeting.

6. STAFF UPDATES

Staff reported the gazebo at Handy Park had been completed. Sidewalks leading to the gazebo would be completed soon.

7. TENTATIVE AGENDA

Public Hearing

a) File 12-14-ZC

Amendments to FMC 19.170

Sign Regulations – Electronic Message Centers

Ordinance 4-2012

b) File 9-32-ZC

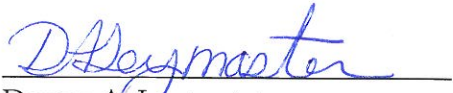
Natural Resource Code Amendments: Title 13

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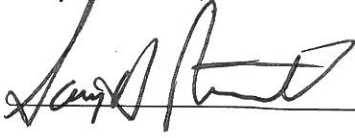
Continued from May 22, 2012

8. ADJOURNMENT

Meeting adjourned by consensus at 8:05pm.


Devree A. Leymaster
Administrative Program Coordinator
Public Works Department

Gary Stonewall, Chair


Date: 6-26-12